

# Appeals Guidelines Post Office Ltd

## 1. Introduction

The adoption of clear and efficient appeals processes is fundamental to the operation of the Conduct Code for employees, and the effective management of agents' contracts. By observing the standards and following the procedures described below thoroughly you will be able to ensure that individual rights and reasonable timescales will be observed.

These guidelines apply to both employees and agents. However, there are significant differences in the contractual status of these groups which will be reflected in the way the appeals are managed. These differences are highlighted in the following text. In brief, you will see that employees have a right of appeal against **formal warnings, final warnings and dismissal**. Subpostmasters have a right of appeal against **summary termination of contract** (i.e. termination without 3-months notice).

## 2. The Standards for Handling Appeals Cases

These standards were developed to support the professional handling of appeals cases. They reflect the requirements of the Conduct Code for all employees, and best practice in handling agents' summary termination cases. **Please observe them.**

### 1.1 Professionalism

All cases will be dealt with using a high degree of professionalism. In practice this means we will always aim for fairness, reasonableness, consistency, impartiality, thoroughness and credibility.

### 2.2 Timelines

All cases will be dealt with as quickly as possible, consistent with the need for thorough consideration and investigation.

### 3.3 Measurability

It will be essential to ensure cases conform to company standards, ethics and values. This will be achieved through:

- Evidence of reasonable timescales being met.
- Correct processes followed as detailed in the flowchart at Annex 1.
- Local reviews of cases by Personnel/ Agency recruitment Managers.
- Improvement opportunities identified by managers hearing appeals.
- Follow-up evidence of implementation opportunities as appropriate.

### 4.4 Documentation

High standards of documentation will be maintained covering:

- Rigorous examination of evidence.
- Clear reasons for decisions.
- Comprehensive reports containing all relevant factors.
- All investigatory material included.
- Papers presented in orderly fashion.

### 5.5 Individual Rights to be Observed

This is to include evidence that people fully understand their rights, including the right to have a friend/trade union representative at the appeal hearing.

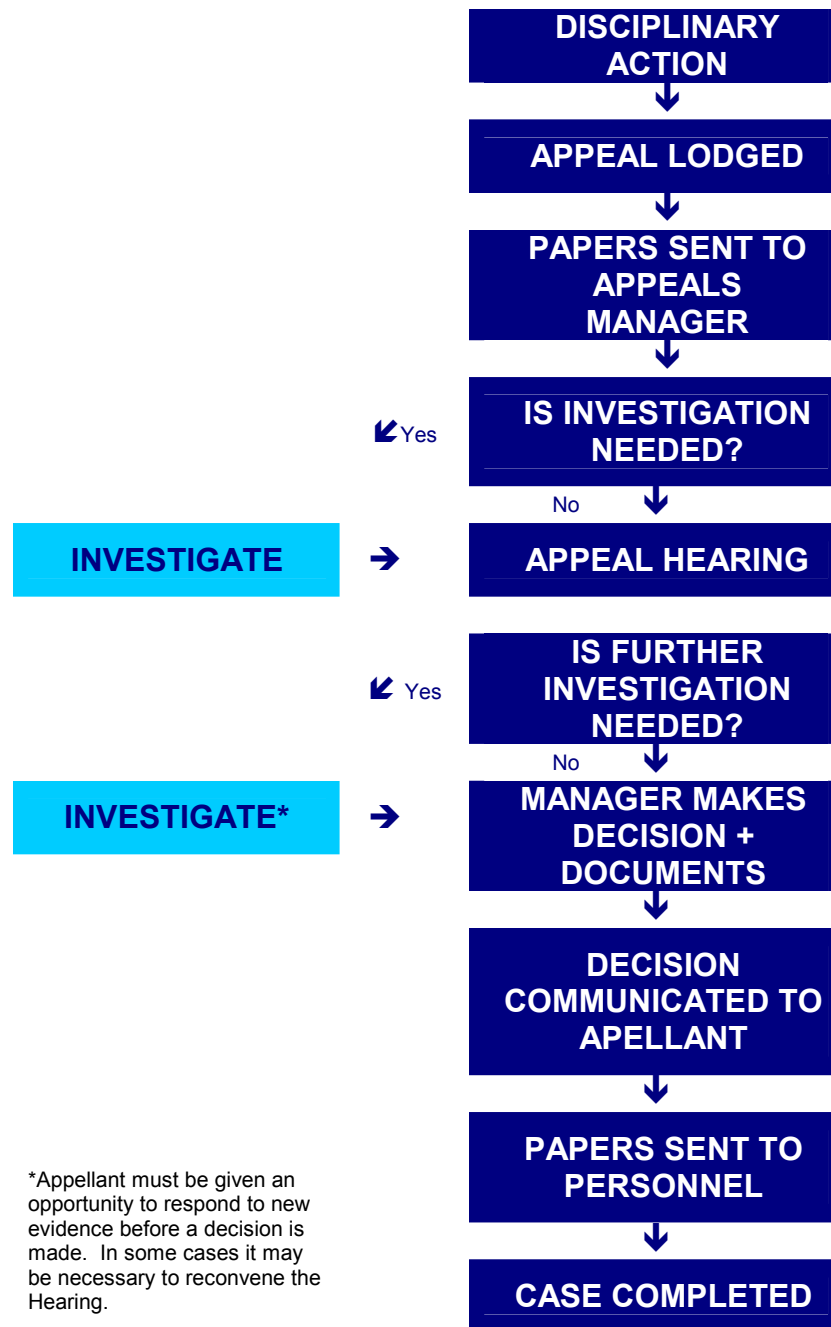
### 3. Steps in the Appeals Process

There are 4 distinct steps in the appeals process:

- The original decision.
- Handling of the case papers.
- Investigations and hearings.
- Decision and follow-up.

The process is shown in the flowchart overleaf.

**Fig. 1 Appeals Process**



\*Appellant must be given an opportunity to respond to new evidence before a decision is made. In some cases it may be necessary to reconvene the Hearing.

## 4. The original Disciplinary /Summary Termination Decision

It is important that the rationale behind the decision is clearly documented, using the case summary template provided in the Conduct Code Guidelines. It is the line manager's responsibility to provide this documentation. This case summary must not be a substitute for proper investigation, since managers hearing appeals will probably still need to gather further information about the circumstances surrounding the original decision.

Agency Recruitment Managers are responsible for ensuring a similar case summary is also completed for agents who appeal against summary termination of their contracts.

## 5. Handling of the Case Papers

### 1.1 Appeals against Formal/Final Warnings

Second-line managers are responsible for hearing appeals against formal warnings and third-line managers for appeals against final warnings.

On receipt of notification of an appeal, all relevant documents will be passed to the next line manager.

Appeals against final warnings with additional disciplinary action which involve a loss of pay will be heard by an Appeals Manager from the National Appeals Panel (see 5.2 below)

### 2.2 Appeals Against Dismissal/Summary Termination of Contract

These are appeals due to be heard by an Appeals Manager from the National Appeals Panel.

As soon as the appeal is lodged, the Personnel/Agency Manager will send the case summary (for employees this is contained in the Conduct Code Guidelines) by e-mail or fax to the Employee Relations Manager, Human Resources Group. At this stage the file containing the appeals papers should be retained locally.

The Employee Relations Manager will allocate the case to an independent Appeals Manager and advise the originating unit who will then forward the case papers by registered post.

**It is vital there is no delay in forwarding the papers.**

## 6. Hearings and Investigation

- 1.1 The first task is to fix a date for the hearing. Individuals have the right to put their case in writing or to attend an interview. **However, it is important** they are encouraged **to attend an interview to take the opportunity to put forward their case**. It is customary to fix a venue within easy reach of the individual's home.
- 2.2 Suggested model letters inviting individuals to an interview are at Annex 1 (Employees) and Annex 2 (Agents).
- 3.3 The originating region/business unit should ensure that refreshments are readily available at the interview location, and provide an impartial notetaker where this is requested. In advance of the hearing, the appeals manager must ensure the notetaker is acquainted with the details of the case.
- 4.4 Typed notes of the interview should be sent to the individual within 5 working days.
- 5.5 If further investigation proves necessary because of points raised at the appeal hearing, it is important to ensure the individual is advised of the outcome of those investigations. This may normally be done in writing. However, on some occasions

if further relevant evidence comes to light, it may be necessary to reconvene the interview to allow this to be discussed.

## 7. Decision and Follow-up

- 7.1 Consistent with best practice, you should not jump to quick conclusions on the outcome of the appeal, but allow time to make a considered assessment. Wherever possible, decisions should be made within 7 working days. However, in more complex cases, further investigation may make this impractical. It is important that any delay anticipated, and the reasons for it, are clearly communicated to the individual
- 7.2 It is very important that you ensure all decisions on appeal cases reached are well documented and communicated to the originating unit as quickly as possible. This report back should also identify any improvement opportunities arising from the case.

## Annex 1. Employee Appeals

Suggested letter inviting employee to Appeals Interview, and accompanying explanatory note

PERSONAL

Dear

I have been advised by ..... (insert Manager's name and job title) that you wish to appeal against the decision to .....  
..... on the grounds of .....

I will be hearing your appeal (as a member of the National Appeals Authority\*).

I am writing to advise you that I propose to hold the appeal with you on .....  
..... (date) ..... at ..... (time) .....  
at ..... (location) .....

During the interview you may be accompanied by a friend who must be a Post office employee and who may be a representative of the CWU/CMA\*. Any such representation should be arranged by yourself.

A note setting out the purpose of the appeal and how it is to be conducted is attached.

Would you please confirm that the date and time are convenient to you to attend. If you are to be accompanied, I will need to know who will be attending with you. This can be done by telephoning me on ..... (or by letter using the enclosed addressed envelope)\*. Attached for your information is a map indicating the location of\*  
.....

Yours sincerely

(.....)

\* Delete as necessary

## **The Appeal Hearing**

### **1. THE PURPOSE OF AN APPEAL**

A fundamental principle of the Conduct Code in Post Office Limited is that individuals should be able to appeal against any formal disciplinary action, including formal warnings and more serious action including final warnings and dismissal. The purpose of the appeal is to provide the opportunity for the case to be looked at afresh, and to give the employee or their friend/ trade union representative on their behalf every opportunity to present their case to an independent manager. The appeal will involve a full rehearing of all relevant evidence. It also means that the independent manager will be able to carry out additional investigations and consider further evidence put forward by yourself or "friend"/ union representatives, at the interview. The process goes beyond a mere review of the case, and ensures that all relevant information is taken into account in reaching a decision on your appeal.

### **2. NOTIFICATION OF INTENTION TO APPEAL**

Once you have received a letter from the manager giving you the disciplinary award, you have 5 working days to notify him/her of your intention to appeal

### **3. APPOINTMENT OF A MANAGER TO HEAR YOUR APPEAL**

#### **3.1. Appeals against Formal/Final Warnings**

Once written notification of your intention to appeal has been received by your first-or second-line manager, this will be forwarded to the next line manager who will make arrangements with you directly to hear the appeal.

#### **3.2. Appeals Against Dismissal/Final Warnings With Loss of Pay**

Having received the written notification of your intention to appeal against the decision, your line manager (or the manager responsible for the disciplinary decision) will forward your case to your Personnel manager, who will then ask the Human resources Group to appoint an appeals manager to hear your case. The manager will be a member of the National Appeals Panel, and will be independent, with no prior involvement in the case, and will work in another business unit.

### **4. WRITTEN APPEALS**

Written appeals should be forwarded within 10 working days of the notification of intention to appeal. You should note however that by appealing in writing you make it more difficult for the appeals manager to fully investigate the case.

**You are therefore encouraged to exercise your right to an interview.**

### **5. SETTING A DATE FOR AN APPEAL HEARING**

Having received the papers relating to your case, the appeals manager will then write or telephone you to fix a date, time and venue for the appeal hearing. Consistent with the need to treat cases quickly, the aim will be to fix a mutually acceptable date allowing for both parties to prepare themselves fully for the interview. You must also inform the appeals manager whether you intend to exercise your right to be accompanied by a friend, who may also be a trade union representative, at the appeals hearing.

### **6. VENUES FOR APPEALS HEARING**

The appeals manager will try to find a location within reasonable travelling distance of your home

### **7. DURATION OF THE HEARING**

Obviously this will depend on a number of factors including the complexity of the case, and any additional evidence to be heard and discussed. However, as a rule of thumb, you should be prepared to attend an interview of up to 2 hours duration.

## 8. THE APPEALS INTERVIEW

It is important to know what to expect at the appeals interview so you can prepare thoroughly beforehand. The manager hearing your appeal will adopt a professional and friendly approach aimed at establishing a good rapport with you.

The ground rules which the manager hearing your appeal will follow in conducting the interview are as follows:

- Introduce themselves and all others who may be present at the hearing including any note-taker (who will not previously have been involved in the case).
- If you are accompanied by a friend/ trade union representative, the appeals manager will want to know in what capacity they will act (i.e. as an observer, supporter or advocate). **Remember** that even with an advocate, the appeals manager will want you to answer some questions, to increase or consolidate their understanding of facts and views.
- You will be told the purpose of the hearing, how it will be conducted and what powers the manager has to alter the original decision against which you are appealing. This may include rejecting the case, reducing or increasing the disciplinary action, or deciding there is no charge to answer.
- You will then be asked to outline your case against the original decision.
- This may include any fresh evidence which you would like the appeals manager to consider.
- In addition, you will be allowed to comment on any new evidence which has come to light as a result of further investigation since the original decision was made.
- The manager's aim is always to listen to any points you want to make and ensure he/she understands exactly your position. The manager is not there to defend previous decisions or the way the case has been dealt with.
- At the end of the hearing the appeals manager will sum up and inform you of when a decision on your case can be expected.

## 9. FOLLOWING THE INTERVIEW

The aim will be for the appeals manager to make a decision on the case within seven working days of the hearing. If further investigations are required as a result of the interview, you will be informed in writing of the reasons for the delay.

On some occasions it may be necessary to reconvene the interview if new evidence has come to light as a result of further investigations. This is consistent with your right to see and comment on all relevant evidence.

## 10. EMPLOYMENT RIGHTS

The above arrangements do not affect your rights to refer your case to an Industrial Tribunal on the grounds of unfair dismissal. Application to a tribunal must be made within 3 months of the date of termination of employment.

## 11. FURTHER INFORMATION

If you require any further information about appeals arrangements please consult your Personnel Manager